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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/862,699	05/23/2001	Tatsuhiro Ibuki	Q64565	9797

7590

12/21/2004

SUGHRUE, MION, ZINN, MACPEAK & SEAS  
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Washington, DC 20037-3202

EXAMINER
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SON, LINH L D

ART UNIT	PAPER NUMBER
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2135

DATE MAILED: 12/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Applicati n N .</b>	<b>Applicant(s)</b>	
	09/862,699	IBUKI, TATSUHIRO	
	<b>Examin r</b>	<b>Art Unit</b>	
	Linh Son	2135	

-- The MAILING DATE of this communicati n app ars on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Pri rity under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>10/04, 5/01</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-39 are rejected under 35 U.S.C. 102(e) as being anticipated by Audebert, US Patent No. 6694436B1, hereinafter '436.

3. As per claims 1-3, "a data processing system for performing authentications and business transactions comprising: a predetermined authentication policy which is shared between at least one server and a PSD; wherein the predetermined authentication policy is functionally stored within the PSD and server; at least one server configured to perform authentications according to the predetermined authentication policy and further configured to support at least one network connection; wherein the server is functionally connected to at least one client over at least one network connection" is taught in '436 (Col 9 lines 10-27, line 44 to Col 10 line 35, and Col 13 line 60 to Col 14 line 10 (The ) ; "at least one local client configured to support a plurality of local device connections and at least one network connection; wherein the client is functionally connected to at least one server over at least one network

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connection; an intelligent portable device configured to support a PSD, a plurality of local device connections and a plurality of network connections; and the PSD which is functionally connected to the intelligent portable device and configured to generate authentication information according to the predetermined authentication policy" is taught in '436 (Col 10 line 5, and Col 9 line 10 to Col 10 line 35).

4. As per claim 4, "the system according to claim 1, wherein the intelligent device is functionally connected to the client through at least one local device connection and further configured as a hardware device peripheral which allows the PSD to communicate authentication information with the server using the network connection" is taught in '436 (Col 9 line 44 to Col 10 line 35).

5. As per claim 5, "the system according to claim 4, wherein the local device connection between the client and intelligent portable device is selected from the group consisting of a direct connection, an optical connection, wireless RF connection or electro acoustical connection" is taught in '436 (Col 9 lines 44-53).

6. As per claim 6, "the system according to claim 3, wherein the predetermined authentication policy includes asynchronous authentication means, synchronous authentication means and cryptography means" is taught in '436 (Col 23 lines 45-50).

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7. As per claim 7, “the system according to claim 5, wherein at least a second client functionally connected to a second server may connect with the intelligent portable device as a hardware device peripheral allowing use of the predetermined authentication policy shared with the PSD and the server” is taught in ‘436 (Col 13 line 60 to Col 14 line 10).

8. As per claim 8, “the system according to claim 1, wherein the intelligent device is functionally connected to at least one network in common with the server and configured as an independent portable device which allows the PSD to communicate authentication information with the server over at least one network connection” is taught in ‘436 (Col 9 lines 44-53).

9. As per claim 9, “the system according to claim 2, wherein the authentication request includes at least one unique identifier associated with the end user” is taught in ‘436 (Col 13 line 60 to Col 14 line 10).

10. As per claim 10, “the system according to claim 9, wherein the unique identifier is used by the server for locating and communicating with the intelligent portable device associated with the end user” is taught in ‘436 (Col 13 line 60 to Col 14 line 10).

11. As per claim 11, “the system according to claim 9, wherein the unique identifier is used by the server for locating and communicating with another intelligent portable

device associated with a second level approver” is taught in ‘436 (Col 13 line 60 to Col 14 line 10).

12. As per claim 12, “the system according to claim 8, wherein the network connection between the server and intelligent portable device is selected from the group consisting of a wireless RF network or digital cellular network” is taught in ‘436 (Col 9 lines 44-53).

13. As per claim 13, “the system according to claim 8, wherein a first portion of authentication information is sent over a first network connecting the intelligent portable device with the server and a second portion of the authentication information is sent over a second network connecting the client with the server” is taught in ‘436 (Col 9 lines 35-67).

14. As per claim 14, “the system according to claim 12, wherein the intelligent portable device connects to at least a second server over at least one networking allowing use of the predetermined authentication policy shared with the PSD and the second server” is taught in ‘436 (Col 1 lines 38-63, and Col 9 lines 28-53).

15. As per claim 15, “the system according to claim 7 or 14, wherein a plurality of network and local device connections are facilitated using the intelligent portable

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device” is taught in ‘436 (Col 9 lines 44-53, and Figure 3).

16. As per claim 16, “the system according to claim 15, wherein plurality of authentications are facilitated using the shared predetermined authentication policy” is taught in ‘436 (Col 13 line 60 to Col 14 line 10).

17. As per claim 17, “the system according to claim 16, wherein a plurality of local device connections, a plurality of network connections and a plurality of authentications are facilitated using the intelligent portable device” is taught in ‘436 (Col 1 lines 37-43)

18. As per claim 18, “a method for performing authentications and business transactions comprising: networking an intelligent portable device including a functionally connected PSD to at least one server using a network connection; wherein a shared predetermined authentication policy is functionally stored in the server and PSD, initiating an authentication request by an end user at the client, sending the request to a server, wherein the client and the server are functionally connected by a network, authenticating the end user using the predetermined authentication policy, allowing the end user access to the network following successful authentication for purposes of performing additional transactions” is taught in ‘436 (Col 1 lines 37-43, Col 9 lines 10-27, line 44 to Col 10 line 35, and Col 13 line 60 to Col 14 line 10) .

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19. As per claim 19, "the method according to claim 18, wherein the intelligent portable device is configured as a hardware device peripheral" is taught in '436 (Col 11 lines 30-44).

20. As per claim 20, "the method according to claim 18, wherein the intelligent portable device is configured as an independent intelligent portable device" is taught in '436 (Col 11 lines 30-44).

21. As per claim 21, "the method according to claim 18, wherein the predetermined authentication policy includes asynchronous authentication means and cryptography means" (Col 23 lines 45-50).

22. As per claim 22, "the method according to claim 18, wherein the predetermined authentication policy includes synchronous authentication means and cryptography means" is taught in '436 (Col 23 lines 45-50).

23. As per claim 23, "the method according to claim 18, further comprising end user authentication to the PSD by entry of a PIN" is taught in '436 (Col 20 lines 1-18).

24. As per claim 24, "the method according to claim 18, further comprising end user authentication to the PSD using a biometric result" is taught in '436 (Col 21 line 40 to



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Col 22 line 13).

25. As per claims 25-26, "the method according to claim 23 or 24, wherein the entry is conducted using a user interface and display associated with the intelligent portable device" is taught in '436 (Col 11 lines 30-44).

26. As per claim 27, "the method according to claim 23 or 24, wherein exceeding a maximum number of attempts at authentication ends the authentication process" is taught in '436 (Col 21 lines 40-55).

27. As per claim 28, the method according to claim 21, wherein exceeding a predetermined response time ends the authentication process" is taught in '436 (Col 21 lines 40-55).

28. As per claim 29, "the method according to claim 18 further comprising business transactions" is taught in '436 (Col 1 lines 37-46).

29. As per claim 30, "an intelligent portable data processing device for performing authentications and business transactions comprising: a user interface, a display, data processing means, data storage means, authentication means, business transaction means, a plurality of local device connection means, a plurality of network connection means, PSD interfacing means and a PSD" is taught in '436 (Col 1 lines 37-46, Col 11

lines 30-44, Col 9 lines 36-53, and Col 13 line 60 to Col 14 line 10).

30. As per claim 31, "the device according to claim 30, wherein the authentication means includes a predetermined authentication policy, which is functionally stored in the PSD and shared with at least one additional server" is taught in '436 (Col 13 line 60 to Col 14 line 10)

31. As per claim 32, "the device according to claim 30, wherein the device is functionally connected to at least one client using at least one local device connection means" is taught in '436 (Col 11 line 30-35).

32. As per claim 33, "the device according to claim 30, wherein the device is functionally connected to at least one server using at least one network connection means" is taught in '436 (Col 9 lines 37-54).

33. As per claim 34, "the device according to claim 30, wherein the device is functionally connected to at least one local client using at least one local device connection means and functionally connected to at least one server using at least one network connection means" is taught in '436 (Col 9 lines 27-53).

34. As per claim 35, "the device according to claim 30, wherein the device is functionally connected to a plurality of local clients using at least one local connection

means" is taught in '436 (Col 9 lines 36-44).

35. As per claim 36, "the device according to claim 30, wherein the device is functionally connected to a plurality of servers using at least one network connection means" is taught in '436 (Col 9 lines 10-27).

36. As per claim 37, "the device according to claim 30, wherein the device is functionally connected to a plurality of local clients using at least one local connection means and functionally connected to multiple servers using at least one network connection means" is taught in '436 (Col 9 lines 10-27, and lines 37-53)

37. As per claim 38, "the PSD according to any one of the preceding claims wherein the PSD is a physical device" is taught in '436 (Col 11 lines 30-34).

38. As per claim 39, "the PSD according to claim 38, wherein the PSD is a virtual device" is taught in '436 (Col 9 lines 33-35).

### **Conclusion**

39. Any inquiry concerning this communication from the examiner should be directed to Linh Son whose telephone number is (571)-271-3856.

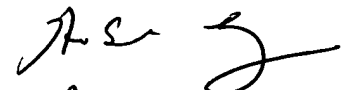
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40. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Kim Y. Vu can be reached at (571)-272-3859. The fax numbers for this group are (703)-872-9306 (official fax). Any inquiry of general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (571)-272-2100.

41. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PMR or Public PMR. Status information for unpublished applications is available through Private PMR only. For more information about the PAIR system, see <http://pzd-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**Linh LD Son**

**Patent Examiner**

  
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